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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,543	12/11/2001	Yoshihiro Yazawa	1356-01	8759

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IP DEPARTMENT OF PIPER RUDNICK LLP  
3400 TWO LOGAN SQUARE  
18TH AND ARCH STREETS  
PHILADELPHIA, PA 19103

EXAMINER

YEE, DEBORAH

ART UNIT	PAPER NUMBER
1742	

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,543

Applicant(s)

YAZAWA ET AL

Examiner

Deborah Yee

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claim 1 is objected to because of the following informalities: Line 6, newly amended claim 1 recites "to about 1.0% to about 1.0% Ti". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al (European patent 930375).

Specific examples 7 and 17 in Table 1 on page 8 of Kato meet the compositional limitations recited in claim 1 and have r-values of 1.84 and 1.89 (within applicant's r value range of at least 1.5) in Table 2 on page 9. Although prior art does not teach a ridging height of 50 microns or less at a 25% deformation, such would be expected since prior art steel is taught to have excellent deep drawability and anti-ridging properties. Moreover, Table 2 on page 9 discloses steel examples 7 and 17 with a very low ridging index of 1. Hence it would be reasonable to conclude that prior art plate would also having a low- ridging height.

Even though prior art does not teach a ferritic steel having a ridging height of about 50 microns or less when 25% deformation in uniaxial stretching is performed as

recited in claim 2, such property would be expected because compositions and general properties such as  $r$ -value, high ductility and anti-ridging are similar.

Kato on lines 10-11 on page 2 discloses using ferritic steel as parts in motor cars in areas which require corrosion and heat resistance. This would include fuel tanks recited in claim 5 and fuel pipe recited in claim 6.

### ***Response to Arguments***

Applicant's arguments filed November 7, 2003 have been fully considered but they are not persuasive. It was argued that Kato requires Nb and V to be in a defined ratio whereas the present invention does not. It is the examiner's position that regardless of the ratio requirement, Kato still discloses specific examples in Table 1 on page 8 containing V amounts within applicant's V range of 0.05 to 0.3% and hence would closely meet the present invention.

Applicant submitted that the steel produced by Kato would not inherently/necessarily exhibit the same properties of the applicant's claimed steel because the processes in producing steel plates are different. It is the examiner's position that Kato discloses a product substantially similar to the claimed product, differing only in the manner by which it is produced. Note that the prior art teaches a composition and  $r$  value which meet the recited claims. Furthermore, one skilled in the art would expect and reasonably conclude that prior art steel plate would also have a low -ridging height since anti-ridging property and a low ridging index of 1 are taught. Moreover excellent deep drawability and ductility are taught which would produce a low ridging height. In any event, the burden falls to the applicant to show that any process

steps associated with the claimed product results in a materially different product from those of the prior art, because there is nothing in the record before the examiner to reasonably conclude that applicant's product differs in kind from those obtained by the references, see *In re Brown*, 173USPQ685.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 571-272-1253. The examiner can normally be reached on Monday-Friday from 6:00 to 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-1253. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1244.

dy

A handwritten signature in cursive script, appearing to read "Deborah Yee", written in dark ink.

DEBORAH YEE  
PRIMARY EXAMINER